

## **MINUTES**

### **PLANNING BOARD**

#### **TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY**

##### **Regular Meeting**

April 3, 2013

The Regular Meeting of the Planning Board was called to order at 7:30 PM by Michael Einbinder in the Public Meeting Room.

Mr. Einbinder confirmed that the meeting was being held in conformance with all regulations of the SUNSHINE LAW and proper notice had been given to the Courier News; also, the Agenda had been posted in Town Hall, Board Office, and supplied to the Township Clerk at least forty-eight hours prior to the meeting. The Agenda items will not necessarily be heard in the order listed and the meeting will not continue significantly past 10:30 PM.

##### **Roll Call:**

Members present were Mr. Einbinder, Mr. Johnson, Mr. Bruno, Mr. Niceforo, Mr. Franchino, Mr. Graziano, Mr. Russo and Mr. Monaco. Mr. Hall, Mr. Cuocci and Ms. Perna and were absent. Mr. Cresitello, Board Attorney, and Mr. Solfaro, Board Engineer, were also present

##### **Adoption of Resolution:**

##### **App. #SP-6-12: Summit Medical Group, One Diamond Hill Road, Block 3601, Lot 6**

Seeking preliminary and final major site plan approval to permit the construction of additional off-street grade-level parking areas and associated drainage facilities in phases on the Property. Also seeking conditional use approval if deemed required by the Board and a waiver from Chapter 12.16 of the ordinances of the Township of Berkeley Heights with respect to the number of replacement trees proposed. The Applicant will also apply for such other waivers and/or variances as may be required. (OR-Zone)

A motion was made by Mr. Einbinder, seconded by Mr. Johnson, to adopt the above Resolution. The voice vote was unanimous with Mr. Johnson, Mr. Bruno and Mr. Monaco voting in favor.

##### **Adoption of Minutes:**

Regular Meeting February 20, 2013

A motion was made by Mr. Einbinder, seconded by Mr. Johnson, to adopt the Minutes of the Regular Meeting of February 20, 2013 as presented. The voice vote was unanimous.

**Applications for Review:**

**App. #M-1-13: Paula D. McQuillan, Executor of the Estate of Irene McQuillan, 159 Emerson Lane, Block 3003, Lot 8 (R-20 Zone)**

Seeking preliminary/final site plan approval for a proposed three (3) lot subdivision.

Richard Diegnan, attorney for the applicant, stated that this is an application for a minor subdivision and the applicant is the Executor of the Estate of Irene McQuillan. The application is solely for the purpose of subdividing the property. The property is in the R-20 residential zone and the proposed lots will be in conformance with no variances required.

Mr. Diegnan presented Exhibit A-1 – subdivision plan. He stated that the applicant is not seeking any building approval and the proposal is that the property be sold as an approved subdivision or that each lot be sold individually.

William Hollows, engineer, was sworn and accepted as an expert witness. Mr. Hollows described the plan depicted on Exhibit A-1.

Mr. Graziano arrived at the meeting (7:42 pm).

Mr. Hollows stated that the portion of the property in the front was heavily wooded until the storm and now it is not as heavily wooded. The proposed easterly lot would be 26,143 square feet. The exhibit contains a concept type house showing that it would fit with the zoning. The middle lot is just over an acre and would contain the existing dwelling. The westerly lot would be 21,170 square feet and also shows a typical house that would conform to the zoning ordinance.

In response to a question regarding the number of trees to be removed, Mr. Hollows stated that many of the trees in the front of the property came down during the storm and other trees on the property were damaged. Each lot would have its own driveway and Mr. Hollows indicated the location of the driveways on the exhibit. The existing driveway will be used for the middle lot. The applicant wants to save the existing house but that would depend on the buyer of the property. There are houses on both sides of these lots and the lot width of the proposed middle lot is 117’.

Mr. Cresitello stated that the lots are proposed to be sold by the estate. The only relief being sought by the applicant is the subdivision. Whoever buys the lots will have to file for building permits and if they are not conforming they would have to come before the Board. A future buyer will not be bound by the concept houses illustrated on the subdivision plan.

In response to further questions, Mr. Hollows stated that he is not aware of any grading or run off issues with the property. Whoever buys the property will have to provide a grading plan that meets the zoning ordinance when a building permit is applied for. The existing house has city water and sewer.

### **Open to the Public**

The hearing was opened to the public for questions with regard to Mr. Hollow's testimony.

Frank Foederl, 35 Mercier Place, asked how many trees will be taken down for the proposed houses and driveways.

Mr. Hollows stated that this plan is not specific as to what is being built. Whoever seeks a building permit will have to submit a plan that will include a tree replacement plan. The Township has a strict ordinance with regard to trees that will have to be complied with.

Janice Foederl, 35 Mercier Place, stated that the drainage east and west of the property was discussed but she is concerned about the drainage on the north side where there is a very big problem.

Mr. Hollows repeated that whoever does the grading plan will have to comply with township requirements. He stated that the trees in the rear of the property will probably not come down.

Mr. Cresitello noted that if the Board approves the subdivision that doesn't mean that work will start right away. No work can start until permits are issued.

Frank Foderl asked about the dry well requirements.

Mr. Hollows explained the requirements and stated that construction cannot increase the flow of water off the property. The Township Engineer will review the drainage plan.

Janice Foderl asked why that is not being done now and said they are concerned about the run off to their property to the north and changes in the environment for everyone in the area.

Mr. Cresitello advised that the only issue being dealt with tonight is the subdivision. If someone purchases the lot and decides to build they will have to get a building permit and submit plans that will have to be evaluated. The applicant is only asking

to create three fully conforming lots and they are not asking for any variances. If someone buys one of these lots and presents plans that are fully conforming and in accordance with the ordinance then the building permits would be granted and they would not have to come back to the Board. If they need some relief from the ordinance then they would have to come to the Board.

Eric Swenson, 10 Mercier Place, asked if the conceptual location of the building on the easterly lot can be changed.

Mr. Hollows stated that this is a concept to show the Board that this lot can support a house. The house can be placed on another location on the lot.

Mike Galvin, Mercier Place, said he has 2" of water in the rear of his property and asked how a potential buyer of the property will be approached to put in proper drainage.

Mr. Cresitello stated that the Board is only considering whether or not to create three lots and there is nothing else before the Board at this time. He explained what a potential buyer would have to submit in order to get approval for a proposed house on the property. That submission will be reviewed by the Township's professional staff and if everything is not in order they will deny the building permit. At this point in time the Board cannot address the issues of drainage, grading and setbacks.

John Bitici, 34 Mercier Place, said the homeowners in the area have problems with water and he spent a lot of money putting in a ditch to take water away from the house.

Board members suggested that the individual homeowners go to the Township Engineer and discuss the existing water problems.

### **Open to the Public**

The hearing was opened to the public for questions or comments with regard to the application.

Karen Williams, 139 Emerson, was sworn and stated that she lives next door. Her basement fills with water whenever there is a lot of rain so there are drainage problems in this area.

Mr. Cresitello noted that the Board Secretary received a letter from Matthew Caffrey, 140 Emerson Lane. This letter was not distributed to the Board but it will be noted for the

record that it is in the file. It was not distributed since only personal testimony can be presented to the Board.

Mr. Diegnan advised that the application has been filed with the Union County Planning Board. All of the lots are conforming and based on the testimony the applicant requests that the Board approve this subdivision.

Board Discussion

Mr. Bruno stated that this is a conforming application with no variances and he will vote in favor. When the time comes that someone wants to build on any of the lots they will have to comply with the ordinance or come before the Board.

Mr. Graziano suggested that the residents direct their questions about drainage to the Township Engineer or construction official, tell them about the drainage problems in the area and bring it to the attention of the Township Committee to make sure their questions are answered.

Mr. Niceforo read a letter from the Environmental Commission addressing the same concerns raised by the members of the public and recommending that downspouts or pipes not be connected to the street sewers but that rain gardens or other measures be installed.

Mr. Einbinder stated that there is no basis for the Board to deny this application and he will vote in favor.

A motion was made by Mr. Einbinder, seconded by Mr. Niceforo, to approve App. #M-1-13: Paula D. McQuillan, Executor of the Estate of Irene McQuillan, 159 Emerson Lane, Block 3003, Lot 8 for preliminary and final approval for a three lot subdivision, subject to standard conditions and those specified on the record.

The Motion was carried 7-0 with Mr. Einbinder, Mr. Johnson, Mr. Bruno, Mr. Niceforo, Mr. Franchino, Mr. Russo and Mr. Monaco voting in favor. There were none opposed.

**App. #SP-1-13 Alcatel-Lucent USA Inc., 600 Mountain Ave., Murray Hill, Block 3701, Lot 1**

Seeking preliminary and final site plan approval. Due to obsolescence and no longer needing the space, Applicant is requesting approval to demolish the front portion of Building 1 and part of Building 2 covering approximately 280,000+/- square feet in all. (OR-Zone)

Roger Mehner, attorney representing the applicant, stated that this application is with regard to the demolition of portions of two of the buildings and the creation of outside landscaped areas for the use of employees.

Michael Davis, Senior Property Manager for Alcatel-Lucent, was sworn and stated that over the last several years the company has been downsizing. The plan is to consolidate operations and vacate 280,000 square feet of the campus. The applicant believes the plan that has been submitted maintains the character of the campus and that it is a good plan.

There are no changes proposed in parking or usage of the campus, just the removal of space that is no longer needed. The proposed landscape areas will be solely for the use of the employees.

#### **Open to the Public**

The hearing was opened to the public for questions with regard to Mr. Davis' testimony. There were no members of the public who had questions and the hearing was closed to the public.

Thomas Creelman, site engineer, was sworn, gave his professional and educational background and was accepted as an expert witness. Mr. Creelman presented Exhibit A-1 – site plan and indicated on the exhibit the location of the surrounding roads. The total footprint of the building to be removed is 55,000 square feet. Once the buildings are removed a landscaped area will be created for employees to go out and sit. The only other thing the applicant is doing is relocating some utilities on the site. There will be no change in parking, access ways or pedestrian ways. As a result of the reduction of buildings on the campus, there will be a reduction in the amount of run-off from the site.

In response to questions from the Board, Mr. Creelman stated that the purpose of the proposal is to improve efficiency of the site and reduce the cost of operations. The buildings proposed to be demolished are some of the oldest buildings that were built in the 1940s.

Mr. Creelman stated that he has reviewed the letter from the Board Engineer and discussed it with Mr. Solfaro and there are no open issues.

#### **Open to the Public**

The hearing was opened to the public for questions with regard to Mr. Creelman's testimony.

Mike Seriano, Glenside Road, asked what effect this proposal would have on the contamination that is being cleaned up and who would monitor ground water contamination there. He also asked if there is any asbestos that needs remediation.

Mr. Creelman stated that there are no ground water issues in the areas that are being demolished. All state environmental requirements will be followed.

John Gering, architect and landscape planning, was sworn, gave his professional and educational background and was accepted as an expert witness.

Mr. Gering presented Exhibit A-2 – illustration of existing conditions and view from Mountain Avenue looking at the entrance to the campus, and Exhibit A-3 – the aerial view of the proposed conditions. He stated that the intent is to maintain the walkways but remove two buildings, keep the view corridor and create open space where the buildings will be removed. The open space areas will include a Nobel Laureate Park and Transistor Way as a representation of the past. There will be a series of sitting areas and terraces and an opportunity to extend the cafeteria space out to the park space.

Mr. Gering presented Exhibit A-4 – site plan, Exhibit A-5 - rendering of the proposed open space on the right side, Exhibit A-6 - rendering of that space from the front, and Exhibit A-7 - rendering of the open area courtyard where building # 2 will be removed. Mr. Gering further stated that the open areas will be solely for the use for employees.

### **Open to the Public**

The hearing was opened to the public for questions with regard to Mr. Gering's testimony. There were no members of the public who had questions and the hearing was closed to the public.

Gary Fisher, environmental engineer with Alcatel-Lucent, was sworn, gave his professional and educational background and was accepted as an expert witness. Mr. Fisher said he is familiar with the environmental conditions on the campus and can answer questions from the Board and the public.

Tony Capasano, 85 Glenside Road, asked if, given the age of the buildings and materials such as asbestos, there might be the possibility of health hazard as result of the removal of the buildings.

Mr. Fisher stated that the buildings will be demolished in compliance with state and federal regulations on demolition. He does not anticipate any health issues as result

of this work. Materials such as asbestos will be abated and removed before demolition.

Mike Seriano, Glenside Road, asked if this work will be monitored by the township or the state.

Mr. Fisher advised that the applicant will perform the monitoring with all environmental issues being reported to the state.

### **Open to the Public**

The hearing was opened to the public for questions or comments with regard to the application. There were no members of the public who had questions or comments and the hearing was closed to the public.

Mr. Mehner thanked the Board members for their attention and requested approval of the application.

### **Board Comments**

Mr. Einbinder noted that this is a pretty straight forward application and he will vote in favor. It is a nice building to start with and this will enhance it.

A motion was made by Mr. Einbinder, seconded by Mr. Graziano, to approve App. SP-1-13 Alcatel-Lucent USA Inc., 600 Mountain Ave., Murray Hill, Block 3701, Lot 1 for preliminary and final site plan approval, subject to standard conditions, the Neglia report dated March 28, 2013 and any conditions specified on the record.

The Motion was carried 8-0 with Mr. Einbinder, Mr. Johnson, Mr. Bruno, Mr. Niceforo, Mr. Franchino, Mr. Graziano, Mr. Russo and Mr. Monaco voting in favor. There were none opposed.

### **Adjournment:**

A motion was made by Mr. Johnson, seconded by Mr. Niceforo, to adjourn the meeting. The voice vote was unanimous and the meeting adjourned at 9:08 p.m.

Regina Giardina, Secretary Pro-Tem